



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: February 23, 2022

TIME: 12:42 PM

WSR 22-06-033

### Agency: Military Department

**Subject of possible rule making:** WAC 323-10-070 Copies of public records permitted under RCW 42.56.120. Engrossed House Bill 1596 (2017) authorized agencies to assess statutory costs for copies of public records if the agency has adopted a rule or regulation declaring the reasons that determining the actual cost of copies would be unduly burdensome. The Military Department is initiating permanent rulemaking that would make that determination and accordingly authorize the Military Department to assess statutory costs for copies, as permitted by RCW 42.56.120. See also the Emergency Rule CR-103E filed November 17, 2021 (WSR 21-24-003).

**Statutes authorizing the agency to adopt rules on this subject:** RCW 42.56.120

**Reasons why rules on this subject may be needed and what they might accomplish:** Prior to the adoption of the emergency rule CR-103E filed November 17, 2021, the Military Department has not required public records requesters to pay for the costs of copies as permitted by RCW 42.56.120, as amended in 2017 by EHB 1596. However, public records requests made to the Department have substantially increased in volume and frequency over the last year, and the costs imposed on the agency have been significant. The adoption of this rule will allow the Department to charge statutory fees under RCW 42.56.120 and mitigate current costs to the agency in responding to public records requests.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Attorney General has adopted advisory model rules on public records compliance, WAC 44-14. The Military Department will generally adapt and incorporate these advisory model rules in WAC 323-10-070 specifically in accordance with the copy costs.

### Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Use model rule 44-14-070 in WAC 323-10-070 to update for consistency and RCW 42.56.120.


### Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

Name:  
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Other:

Additional comments:

<b>Date:</b> February 23, 2022	<b>Signature:</b> 
<b>Name:</b> Cynthia Whaley	
<b>Title:</b> Public Records Officer/ Rules Coordinator	